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MS PETITION
PATENT
2428-0120P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Marc DE BLOCK Conf.: 3779
Appl. No.: 09/461,416 Group: 1661
Filed: December 16, 1999 Examiner: WENDY HAAS
For: GENETIC TRANSFORMATION USING A PARP
INHIBITOR

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)

MS PETITION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

June 10, 2004

Sir:

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

Note: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

06/15/2004 CNGUYEN 00000037 09461416

01 FC:1453

1330.00 DP

1. Petition fee

- ☐ Small entity - fee \$665.00 (37 C.F.R. § 1.17(m)).
Applicant claims small entity status. See 37 C.F.R.
§ 1.27.
- ☒ Other than small entity - fee \$1,330.00 (37 C.F.R.
§ 1.17(m))

2. Reply and/or fee

- A. The letter dated May 21, 2004 for filing the
continuation Application No.: 10/849,939 establishing
Applicant's intent of maintaining pendency of the
present Application No.: 09/461,416:
- ☒ has been filed previously on May 21, 2004 (copy
attached).
- ☐ is enclosed herewith.
- B. The Extension fee of \$950.00
- ☐ has been paid previously on .
- ☒ is enclosed with the attached (Extension of Time
Letter and Fee).

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or
after June 8, 1995, no terminal disclaimer is
required.
- ☐ A terminal disclaimer (and disclaimer fee (37 C.F.R.
§ 1.20(d)) of \$55.00 for a small entity or \$110.00 for
other than a small entity) disclaiming the required
period of time is enclosed herewith.

4. Statement: The entire delay in filing the required reply
from the due date for the required reply until the filing

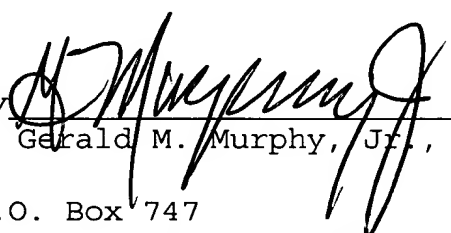
of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional.

- ☐ No fee is required.
- ☒ A Check in the amount of \$2,280.00 which includes the petition fee and the extension fee is enclosed.
- ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. This form is submitted in triplicate.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Gerald M. Murphy, Jr., #28,977

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

GMM/MAA:trb
2428-0120P

- Attachments:
- ☒ Fee - Check for \$2,280.00
 - ☐ Terminal Disclaimer Form
 - ☒ Statement Establishing Unintentional Delay
 - ☒ Other: Continuation Postcard Copy and Transmittal Copy (5/21)
 - ☒ Extension Fee Letter



PATENT
2428-0120P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Marc DE BLOCK Conf.: 3779
Appl. No.: 09/461,416 Group: 1661
Filed: December 16, 1999 Examiner: Wendy HAAS
For: GENETIC TRANSFORMATION USING A PARP
INHIBITOR

L E T T E R

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

June 10, 2004

Sir:

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), applicant(s) hereby retroactively petition(s) for an extension of time for five (5) month(s) for filing an Appeal Brief in connection with the above-identified application, thereby maintaining the pendency of this application through May 21, 2004.

☐ Applicant claims small entity status under 37 C.F.R. § 1.27

The fee has been calculated as shown below:

☒ NO extensions of time have been previously obtained for filing the response. Thus a fee of \$950.00 for an extension of five (5) month(s) pursuant to 37 C.F.R. §§ 1.17 and 1.136(a) is required.

☐ An extension of () month(s) for filing a reply was previously petitioned and paid for on . Thus a fee of

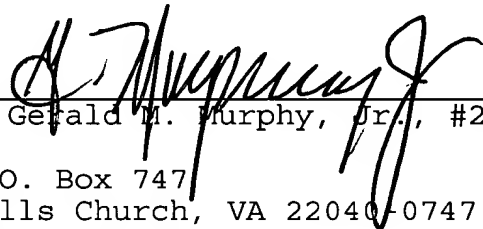
\$0.00 is required for obtaining an additional ()
month(s) for filing a reply.

- ☒ A check in the amount of \$950.00 is attached.
- ☐ Please charge Deposit Account No. 02-2448 in the amount of
\$0.00. A triplicate copy of this sheet is attached.

If necessary, the Commissioner is hereby authorized in this,
concurrent, and future replies, to charge payment or credit any
overpayment to Deposit Account No. 02-2448 for any additional fees
required under 37 C.F.R. §§1.16 or 1.17; particularly, extension
of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Gerald M. Murphy, Jr., #28,977
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(703) 205-8000

GMM/MAA:trb
2428-0120P

Attachment(s)

(Rev. 02/13/2004)



PATENT
2428-0120P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Marc DE BLOCK Conf.: 3779
Appl. No.: 09/461,416 Group: 1661
Filed: December 16, 1999 Examiner: Wendy HAAS
For: GENETIC TRANSFORMATION USING A PARP INHIBITOR

STATEMENT ESTABLISHING UNINTENTIONAL DELAY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

June 10, 2004

Sir:


The extension fee was not previously paid by May 21, 2004. The omission of the proper payment of the extension fee was a clerical oversight. The entire delay in filing the request for an extension of time was unintentional.

Revival of this application to establish co-pendency through May 21, 2004 with the Continuation application 10/849,939 (copy of Transmittal and Postcard attached) filed on May 21, 2004 is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Gerald M. Murphy, Jr., #28,977

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

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2428-0120P

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Date: May 21, 2004

Docket No.: 2428-0120PUS2

MS PATENT APPLICATION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

This is a Request for filing a ☒ continuation ☐ divisional ☐ continuation-in-part application under 37 C.F.R. § 1.53(b) of pending prior Application No. 09/461,416 filed on December 16, 1999, which is a divisional of Serial No. 08/817,188 filed May 15, 1997, the entire contents of which are hereby incorporated by reference,
by

Marc DE BLOCK

for

GENETIC TRANSFORMATION USING A PARP INHIBITOR

1. ☒ Enclosed is an application consisting of specification, claims, declaration and drawings/photographs (if applicable).

- COPY -

2. ☒ The filing fee has been calculated as follows:

		LARGE ENTITY	SMALL ENTITY
BASIC FEE		\$770.00	\$385.00
	NUMBER FILED	RATE FEE	RATE FEE
TOTAL CLAIMS	14-20 = 0	x 18 = \$0.00	x 9 = \$0.00
INDEPENDENT CLAIMS	1-3 = 0	x 86 = \$0.00	x 43 = \$0.00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED		+ \$290.00	+ \$145.00
TOTAL		\$770.00	\$0.00

3. ☒ A check in the amount of \$770.00 to cover the filing fee and recording fee (if applicable) is enclosed.
4. ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this request is enclosed.
5. ☐ Enclosed is/are _____ (____) sheet(s) of formal drawings and/or photographs.
- 6a. ☐ A statement claiming small entity status was filed in prior Application No. 09/461,416 on _____. See the attached copy of the statement claiming small entity status.
- 6b. ☐ The current application qualifies for small entity status.
7. ☒ The prior application is assigned to Bayer BioScience NV.
8. ☒ A Preliminary Amendment is enclosed.
- 9a. ☐ Priority of Application No(s). _____ filed in _____ on _____ is/are claimed under 35 U.S.C. § 119. See attached copy of the Letter claiming priority filed in the prior application on _____.
- 9b. ☒ Priority of International Appln. PCT/EP96/03366 filed on July 31, 1996 under the Patent Cooperation Treaty and British Application No. 95401844.6 filed on August 4, 1995 in Great Britain under 35 U.S.C. § 120 and/or § 119 are hereby reclaimed.

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10. ☒ An Information Disclosure Statement and PTO-1449 form(s) are attached hereto for the Examiner's consideration.
11. ☒ Address all future communications to:

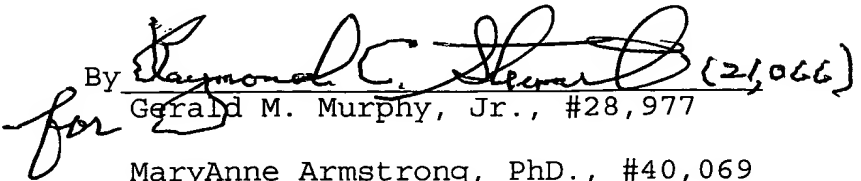
BIRCH, STEWART, KOLASCH & BIRCH, LLP
P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

or
Customer No. 02292
12. ☒ An extension of time for five (5) month(s) until May 21, 2004 has been submitted in parent Application No. 09/461,416 in order to establish co-pendency with the present application.
13. ☐ Also enclosed herewith is the following:

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By  (2,066)
for Gerald M. Murphy, Jr., #28,977

MaryAnne Armstrong, PhD., #40,069

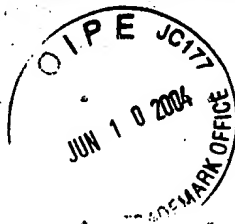
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2428-0120PUS2

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachment (s)

(Rev. 02/13/2004)

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Papers Filed herewith on: 5/31/04
DOCKET NO.: 3428-0120 PUS ATTY.: GMM/MAN
APPLICANT(S): Marc De BLOCK
APPLN. NO: NEW FILED: 5/31/04
PAT NG: _____

- ☒ New Application with Transmittal Letter
☐ Utility ☐ Design ☐ S/P ☐ PCT ☐ Provisional
☒ Filing Under 37 CFR 1.53(b) ☒ CONT ☐ DIV 09/761,416
☐ Filing Under 37 CFR 1.114(RCE)
☒ Specification Consisting of: 42 pages
☐ Combined Declaration & Power of Attorney
☐ Assignment / Cover Letter
☐ Letter to Official Draftsman
☐ Drawings _____ Sheets ☐ Formal ☐ Informal ☐ Red-Ink
☐ Completion of Filing Requirements, PCT/DO/EO/905
or Formalities Letter and Executed Declaration
☐ Priority Document(s) / Cover Letter, No. Doc. _____
☒ Amendment: Prelim.
☐ Transmtl Ltr ☐ Large Entity ☐ Small Entity
☐ Response _____
☒ Information Disc Stmnt. PTO-1449(s) _____ doc(s)
☐ PTO / ISA / 210
☐ Notice of Appeal ☐ Appeal Brief
☐ Issue Fee Transmittal ☐ Sequence Listing
☒ FEES: \$770.00 (NA 9016921)
☐ Letter: _____
☒ Other: Sequence Listing

Receipt is hereby acknowledged of the papers filed as
indicated in connection with the above identified case.
COMMISSIONER OF PATENTS AND TRADEMARKS
Due Date: 5/31/04
Handcarry: _____

DOCKET NO.

3428-0120 PUS

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